

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE KINGATE MANAGEMENT
LIMITED LITIGATION**

This Document Relates To: All Actions

Master File No. 09 Civ. 5386 (DAB)

**DECLARATION OF
JOHN EDWARD EPPS**

1. I, John Edward Epps, have been named as a defendant in the above-captioned action (the "Litigation"). I make this Declaration in support of my motion to dismiss the Litigation for lack of personal jurisdiction. I have personal knowledge of the facts set forth in this Declaration.

2. I was a director of the Kingate Global Fund and the Kingate Euro Fund (together, the "Funds"), which are both investment funds in the British Virgin Islands, from April, 2006, until the Funds were placed in liquidation in 2009.

3. I am a citizen of the United Kingdom. I have been a resident of Bermuda for over 45 years.

4. I have never been a citizen of the United States.

5. I have never lived in, had a residence in, or had a domicile in New York (or anywhere else in the United States).

6. I have never owned, leased or possessed any real property in New York (or anywhere else in the United States).

7. I have never maintained an office or place of business in New York (or anywhere else in the United States).

8. I have never had a mailing address in New York (or anywhere else in the United States).

9. I have never had a telephone number in New York (or anywhere else in the United States).

10. I have visited New York on average two or three times a year over the last ten years. These visits have lasted no longer than 4 days and were for personal reasons. None were in connection with the Kingate Funds.

11. I do not maintain a bank account in New York.

12. I have never traveled to New York (or anywhere else in the United States) in connection with my role as a director of either the Kingate Global Fund or the Kingate Euro Fund. Likewise, I have never made or joined any telephone call placed to New York (or anywhere else in the United States) involving either Fund prior to the news reports of Bernard Madoff's fraud in December, 2008, except that on several occasions while I was at meetings of the Funds' Board of Directors, U.S. legal counsel may have joined by telephone. However, none of these calls related to the Funds' investments, investment strategy, or marketing.

13. I have never solicited investors or businesses in New York (or anywhere else in the United States) in connection with my role as a director of either the Kingate Global Fund or the Kingate Euro Fund, or directed any communications, oral or written, to any businesses or residents of New York (or anywhere else in the United States) in connection with either of the Funds.

14. I understand that the plaintiffs in this case have alleged that all of the defendants, including me, were paid fees based on the Funds' returns. However, I never received any such compensation. Each of the Funds paid a flat fee of \$15,000 per year for my services as a director.

15. I have never met Bernard Madoff.

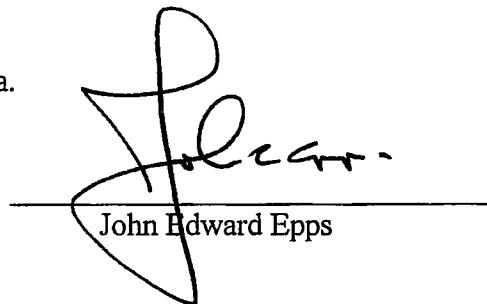
16. I have never spoken with or otherwise communicated with Bernard Madoff.

17. To the best of my knowledge, I have never met any employee of Bernard Madoff Investment Services.

18. To the best of my knowledge, I have never spoken with or otherwise communicated with any employees of Bernard Madoff Investment Services.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 15th, 2010, in Hamilton, Bermuda.



A handwritten signature in black ink, appearing to read "John Edward Epps", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

John Edward Epps